HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.7190 of 2007

Date: 26-04-2007.

Between :

M/s.R.R.Oil Mill, Tadipatri, rep. by its partner.

.....Petitioner

And

Commercial Tax Officer, Tadipatri & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties. With their consent, the writ petition is disposed of at this stage.

Pending appeal, the authorities concerned granted stay of recovery on condition of payment of 25% of the disputed tax. The petitioner has also been levied with penalty of Rs.4,19,940/-. He moved an application before the Additional Commissioner for grant of stay of recovery of penalty amount till the disposal of appeal. This application has been dismissed therefore, this writ petition has been filed. Counter has also been filed.

Since the appeal is pending against the imposition of tax as well as the imposition of penalty and the authorities concerned have granted stay on payment of 25% of the penalty, we feel that it

could be just and fair that the recovery of penalty is also stayed subject to payment of 25% of the penalty amount

within a period of six weeks from today.

Writ petition is accordingly disposed of.

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BILAL NAZKI, J

26th April 2007

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NOOTY RAMAMOHANA
RAO, J

ajr